



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

ms

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/440,137	11/15/99	TAKEUCHI	H 1232-19

NIXON & VANDERHYE P C
1100 NORTH GLEBE ROAD
8TH FLOOR
ARLINGTON VA 22201-4714

IM62/0808

EXAMINER

PADEN, C

ART UNIT

PAPER NUMBER

1761

DATE MAILED: 08/08/00

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/440137

Applicant(s)

Takeuchi

Examiner

Paden

Group Art Unit

1761

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 1-4-00
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-7 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-7 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 3
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 1761

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not understood as to what is intended by the recitation "rate of middle chain fatty acids". Does applicant mean amount of medium chain fatty acids?

Claims 1-6 are objected to because of the following informalities: The work "claim" is misspelled. Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kashiwabara (UK 2,090,115) and see page 2, lines 15 and 29.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Babayan (4,952,606) and see column 2, lines 6-9 and line 50).

Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hunter (4,863,753) and see the abstract and see column 3, lines 26-32 and column 5, lines 42-52.

Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Senda (5,006,359) and see Table 1.

Art Unit: 1761

Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Benita (5,364,632) and see the abstract, column 3, lines 21-35.


Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Menz (3,658,555) and see Table 1, line 1.

Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by El-Nokaly (5,192,572) and see column 4, lines 23-40.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn Paden whose telephone number is (703) 308-3294. The examiner can normally be reached on Monday to Friday from 8:30 to 4:00.

The fax phone number for this Group is (703) 305-3599 or 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.


CAROLYN PADEN 8-4-00
PRIMARY EXAMINER
GROUP 1300-1761